IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 25549 of 2005

Between:

Bandikatla Prabhakar

..... PETITIONER

AND

Government of Andhra Pradesh,

Rep. by its Secretary to Home Department

Secretariat, Hyderabad and 2 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the respondents in detaining the petitioner from 05.11.2005 to 08.11.2005 thereby obtaining the signature on blank empty papers under threat and coercion without following due process of law, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

It is stated that the petitioner is a goldsmith and though he has not purchased any stolen property, attracting the offence punishable under Section 411 of I.P.C., the 3rd respondent is illegally detaining him and interrogating him on the ground that the petitioner is alleged to have purchased stolen property. The anticipatory bail application filed by the petitioner in Crl.M.P.No.1520 of 2005 on the file of the Sessions Judge, Nellore was also dismissed on 24.11.2005 on the ground that no crime is registered against the petitioner.

Without registering any crime on any report/complaint or suomotu by the police pursuant to the interrogation made to any other offenders, the police cannot interfere with the personal life and liberty of the petitioner on the allegations that he has purchased the stolen property. If there is any basis that the petitioner purchased stolen property, it is always open for the police to implicate the petitioner in any F.I.R and investigate the same in accordance with law. But without registering any crime, the respondents are directed not to interfere with the personal life and liberty of the petitioner.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 01.12.2005

Dsr